

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SHARON COLLINS, SANDRA KEENAN,
MONICA COLE and CLAIR WEST.

Plaintiffs,

v.

DECISION AND ORDER
03-CV-134A

COUNTY OF ALLEGANY, and JOHN MARGESON, Individually and as County Administrator, BERNARD MORRIS, Individually and as Personnel Officer for the County, COUNTY OF ALLEGANY SHERIFF'S DEPARTMENT, and RANDY BELMONT, Sheriff, and DENNIS REYNOLDS, Individually and as Undersheriff for Allegany County, ALLEGANY COUNTY DEPARTMENT OF SOCIAL SERVICES, and MARGARET CHERRE, Individually and as Commissioner of DSS, STEVE RENNIE, Individually and as CPS Supervisor of DSS, and ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS, and DAVID ROESKE, Individually and as Superintendent of DPW, and JOHN MANCUSO, Individually and as Deputy Superintendent I of DPW, and WAYNE GREEN, Individually and as General Foreman of DPW, and STEVE NEASE, Individually and as Equipment Supervisor for DPW, and FLOYD SISSON, Individually and as Main Shop Supervisor for DPW, and RODERICK FRANCIS, Individually and as Road Maintenance Supervisor for DPW, and COUNCIL 66 OF AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, and JIM FAGAN, Individually and as Area Representative for AFSCME Council 66, and LOCAL 2574 OF AMERICAN FEDERATION OF

STATE, COUNTY AND MUNICIPAL EMPLOYEES,
and NANCY DEWEY, Individually and as
President of LOCAL 2574, and
KIM DEMICK, Individually and as
Board Member of LOCAL 2574,

Defendants.

On March 8, 2005, Magistrate Judge H. Kenneth Schroeder, Jr. filed a Report and Recommendation concluding that plaintiffs' amended complaint should be dismissed for failure to comply with Rule 8 of the Federal Rules of Civil Procedure, and for failure to state a claim pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. On March 25, 2005, plaintiffs filed objections to that Report and Recommendation with the Court, but apparently never served those objections on the defendants. Notwithstanding plaintiffs' failure to serve those objections on the defendants, once they became aware of the plaintiffs' objections, the County defendants and the Local 2574 defendants filed affidavits in response to those objections. The Court heard oral argument on the objections on June 22, 2005

The district court reviews de novo the portions of a Report and Recommendation to which objections have been filed. See 28 U.S.C. § 636(b)(1)(A). If a party fails to object to a portion of a Report and Recommendation, further review is generally precluded. See Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002) (citing Small v. Sec'y of

Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989)).

Upon de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court denies the plaintiffs' objections and adopts the Report and Recommendation in its entirety.

The Amended Complaint is dismissed. The Clerk of the Court should take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE. RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: July 14 , 2005